

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA  
vs.  
Jose PEREZ-Avila  
(a.k.a.: Adrian De Paz SAUCEDO)

) Magistrate's Case No. '08 MJ 158  
)  
) COMPLAINT FOR VIOLATION OF  
)  
) 21 U.S.C. 952 and 960:  
) Unlawful Importation of a Controlled Substance  
)  
) 18 U.S.C. 1546(a): Fraud and misuse of visa  
)

The undersigned complainant being duly sworn states:

COUNT ONE

That on or about May 18, 2008, within the Southern District of California, defendant Jose PEREZ-Avila did knowingly and intentionally import approximately 45.70 kilograms (100.54 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside there of; in violation of Title 21, United States Code, Sections 952 and 960.

COUNT TWO

On or about May 18, 2008, within the Southern District of California, defendant Jose PEREZ-Avila did knowingly and willfully attempt to use an altered U.S. Visa apply for entry into the United States in the following manner, to wit: Defendant obtained and subsequently used U.S. Visa number 19982753430003 in the identity of Adrian De Paz SAUCEDO, DOB 04/03/1975. Defendant then presented the visa, as his identification, to a Department of Homeland Security, Customs and Border Protection Officer, at the San Ysidro Port of Entry, knowing full well that he was not Adrian De Paz SAUCEDO, that the visa was altered, in order to facilitate a drug trafficking crime; in violation of Title 18, United States Code, Section 1546.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Signature of Complainant  
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence, this

19th day of May, 2008.

United States Magistrate Judge



1  
2 United States of America  
3 VS.  
4 Jose PEREZ-Avila  
(a.k.a.: Adrian De Paz SAUCEDO)

5 PROBABLE CAUSE STATEMENT

6 On May 18, 2008, at approximately 7:40 a.m., the defendant attempted to enter the United States  
7 from Mexico at the San Ysidro Port of Entry (POE) as the driver and sole occupant of a blue 1991  
8 Oldsmobile Cutlass Sierra bearing Baja California, MX license plate BES9574. While conducting Anti-  
9 Terrorism Contraband Enforcement Team (A-T CET) pre-primary operations, a U.S. Customs and Border  
10 Protection Officer made contact with the defendant. The defendant presented the CBP Officer with a  
11 Mexican passport and a U.S. Visa bearing the name Adrian De Paz Saucedo and the defendant's photo on  
12 the passport. The CBP Officer asked the defendant, later identified as Jose PEREZ-Avila, where he was  
13 going. PEREZ told him that he was going to San Diego, CA. The CBP Officer asked PEREZ if he was  
14 bringing anything with him from Mexico. PEREZ gave two negative Customs declarations, stating that  
15 he was not bringing anything with him. The CBP Officer inquired as to who was the registered owner of  
16 the vehicle. PEREZ stated that he was the owner and that he owned the vehicle for approximately one (1)  
17 year. The CBP Officer conducted a cursory inspection on the vehicle. During the inspection, he observed  
18 what appeared to be cellophane wrapped packages in the front grill/bumper area. The CBP Officer then  
19 handcuffed PEREZ for officer safety reasons. PEREZ was escorted to the security office for a pat-down  
20 that yielded negative results for weapons or contraband. The vehicle was taken to the secondary lot for  
21 further inspection.

22  
23 In the vehicle secondary lot, a CBP Canine Enforcement Officer (CEO) was requested to screen  
24 the Oldsmobile Custlass with his Narcotic Detector Dog (NDD). The NDD alerted to a narcotic odor  
25 coming from the rear bumper.

1 On May 18, 2008, Jose PEREZ-Avila admitted post-miranda that he believed he was smuggling  
2 drugs into the United States. PEREZ admitted that he had been denied entry into the United States on  
3 several occasions using counterfeit documents. PEREZ stated that he gave his photo and documents to an  
4 individual who gave him provided him with the altered Mexican passport and altered Department of State  
5 issued U.S. Visa. PEREZ stated that in exchange for the altered documents, he was going to drive a  
6 narcotic laden vehicle into the United States. PEREZ stated he intended to deliver the vehicle to the Plaza  
7 Las Americas Mall in San Ysidro, CA. PEREZ stated he then was going to take the false visa and look for  
8 work in Los Angeles, CA. PEREZ admitted to using the false visa, to apply for entry into the United  
9 States on May 18, 2008, at the San Ysidro POE, when he identified himself to the CBP Officer using the  
10 visa. PEREZ acknowledged that he was knowingly and willfully attempting to make an unlawful entry  
11 after being previously being expeditely removed by U.S. Customs and Border Protection Officers several  
12 times and not allowed entry into the United States for twenty (20) years.  
13

14 PEREZ was arrested and charged with violation of Title 21 USC 952, 960, Unlawful Importation  
15 of a Controlled Substance, and with violation of Title 18 USC 1546(a), Fraud and Misuse of a Visa, and  
16 was booked into the Metropolitan Correctional Center, San Diego, CA.  
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